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**American Short Line and
Regional Railroad Association**

The Voice of America's Independent Railroads

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Honorable Cynthia T. Brown
Chief, Section of Administration
Surface Transportation Board
395 E. Street, S.W.
Washington, DC 20423

Re: Finance Docket No. 35468, *Pinelawn Cemetery--Petition for Declaratory Order*

Dear Ms. Brown:

By this letter, the American Short Line and Regional Railroad Association ("ASLRRA") wishes to support the position expressed by the Association of American Railroads in its letter dated October 11, 2011 filed in this proceeding.

The ASLRRA is a trade association representing approximately 450 of the nation's Class II and Class III railroads; and ASLRRA frequently appears before the Board in matters of significant interest to the railroad industry, particularly those matters that especially affect smaller rail carriers. ASLRRA has become aware that the above-referenced case raises the issue of whether the STB can lose its exclusive and preemptive jurisdiction over crucial rail infrastructure owned or leased by a common carrier as a result of the carrier's entering into a lease or operating arrangement that conveys temporary possession of the facility to a non-carrier, even when the non-carrier's operation directly supports railroad operations.

The small railroads of this country have the same interest in this issue as the Class I carriers. Because many small railroads face marginal economics and widely variable traffic patterns, they frequently lease railroad operating property to third party non-carriers for short-term use, usually for purposes that directly support railroad operations, e.g., car storage, transloading, and car repair and rebuilding activities. These activities not only support current operations but preserve rail infrastructure for future operations when traffic conditions change. If temporary non-carrier possession of such facilities were to jeopardize their future availability by removing the preemptive shield of the STB's jurisdiction, small railroads would be deprived of necessary revenues and flexibility. Accordingly, ASLRRA joins the AAR in urging the STB to reaffirm its jurisdiction over railroad owned and leased facilities temporarily in the possession of non-carriers performing activities that support railroad operations.

ASLRRA respectfully petitions the Board pursuant to 49 C.F.R. 1117.1 to accept this letter in the docket. Copies of this letter have also been sent to counsel for the parties shown below.

Respectfully submitted,

A handwritten signature in black ink that reads "Keith T. Borman". The signature is written in a cursive, flowing style.

Keith T. Borman
Vice President and General Counsel

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